In the 91st Congress, during consideration of the Newspaper Preservation Act, (11) the following amendment was offered: (12)

(d) It shall be unlawful for any one owner to publish or offer for sale more than one daily or weekly newspaper in any one normal circulation area if the newspaper utilizes any subsidized class of U.S. mail for delivery of any of its papers anywhere or if the sale of any of the papers affect interstate commerce.

Mr. Robert W. Kastenmeier, of Wisconsin, made the point of order that the amendment was not germane. The Chairman, (13) sustaining the point of order, stated:

The bill deals with a very narrow area of joint operation of newspapers in relation to the antitrust law. The gentleman's amendment obviously goes far beyond the matter covered in the bill and brings into consideration matters of the ownership of newspapers, which is not concerned in the bill. It also brings in the involvement of subsidized mail.

§ 10. Specific Amendments to General Propositions; Amendments as Within Scope

A general subject may be amended by specific propositions

of the same class. (14) Thus, where a bill has a broad objective, an amendment prescribing a specific endeavor may be germane; (15) and where a bill seeks to accomplish a general purpose, by diverse methods, an amendment providing a specific method has been held germane. (16) Similarly, to a proposition conferring a broad authority to accomplish a particular result, an amendment authorizing and directing a specific approach to be taken in the exercise of such authority is germane. (17) The precedents included in this section are those in which the issue of germaneness was raised following the introduction of an amendment, relatively narrow in its terms, during consideration of a proposition of a more comprehensive nature. The question to be decided in such cases, of course, is whether the amendment falls within the scope of the broader subject or subjects addressed in the proposition sought to be amended. The section includes several examples of amendments which can be seen to comprise subtopics of the broader topic covered in the bill to which offered. (18)

^{11.} H.R. 279 (Committee on the Judiciary).

^{12.} 116 CONG. REC. 23174, 91st Cong. 2d Sess., July 8, 1970.

^{13.} Thomas J. Steed (Okla.).

^{14.} Compare the principles stated in § 9, supra.

^{15.} See § 10.10, infra.

^{16.} See § 10.12, infra.

^{17.} See § 10.10, infra.

^{18.} See, for example, § 10.14, infra.

Defining a Term in Bill

§ 10.1 An amendment defining a term in a bill may be germane so long as it relates to the bill and not to portions of laws being amended which are not the subject of the bill; thus, to a bill amending several laws only to clarify the definition of a recipient of federal financial assistance who by practicing discrimination becomes subject to the penalties of those laws, an amendment to expand the definition of recipient persons to include unborn children from the moment of conception, but not expanding the definition of persons who are the objects of discrimination, was held germane as merely defining a term in the bill and not relating to terms of the law not amended by the bill.

During consideration of the Civil Rights Act of 1984 (19) in the Committee of the Whole on June 26, 1984, the Chair held the following amendment to be germane:

MR. [MARK] SILJANDER [of Michigan]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

19. H.R. 5490.

Amendment offered by Mr. Siljander: Page 10, after line 22, insert the following:

Sec. 6. For the purposes of this act, the term "person" shall include unborn children from the moment of conception.

Mr. [PAUL] SIMON [of Illinois]: Mr. Chairman, I make a point of order against the amendment.

This is different in wording from the previous amendment (1) but the same point of order rests against this amendment.

It is an attempt to expand with a new definition beyond the scope of this act. It is not germane as the previous amendment was not germane. . . .

MR. SILJANDER: Chapter 28 of the procedures of the House, section 9.12, says ". . . to a bill containing definitions of several of the terms used therein, an amendment modifying one of the definitions and adding another may be germane."

On page 3, on page 6 and page 8 and page 10 the word "person" is used, which is substantially different from the former amendment.

I yield to the chairman.

The Chairman: $^{(2)}$ The Chair is prepared to rule.

On page 8, line 24, the bill uses the term "person."

In the gentleman's amendment he says for the purposes of this bill the term "person" shall, and defines the term "person" and, therefore, the amendment is germane.

^{20.} 130 CONG. REC. 18865, 18866, 98th Cong. 2d Sess.

^{1.} The previous amendment was ruled

Bill Admitting Displaced Persons as Permanent Residents—Amendment Defining "Displaced Persons"

§ 10.2 To a bill to authorize the admission of displaced persons into the United States for permanent residence, an amendment providing that the term "displaced person" include persons of German ethnic origin, who prior to Apr. 21, 1947, were transferred or fled to Germany or Austria from Poland or certain other countries was held germane.

In the 80th Congress, a bill (3) was under consideration to authorize admission into the United States of displaced persons. The following amendment was offered to the bill: (4)

Amendment offered by Mr. [Charles J.] Kersten of Wisconsin:

Amend H.R. 6396 on page 2 by inserting after the semicolon in line 14, the following: . . . [T]he term "displaced person" shall also include a person of German ethnic origin, who prior to April 21, 1947, was transferred or fled to Germany or Austria from Poland, Czechoslovakia, Hungary, Rumania, or Yugoslavia, provided that such

person is otherwise qualified as a displaced person under the provisions of this act.

And further amend H.R. 6396 by [providing that] for the purposes of this subsection persons of German ethnic origin who are referred to in paragraph 4 of part II of annex I of the constitution of the International Refugee Organization shall be included as one of such elements or groups; and (that) the number of such persons to whom visas may be issued shall not exceed 100,000.

A point of order was raised against the amendment, as follows:

MR. [EMANUEL] CELLER [of New York]: Mr. Chairman, I make the point of order that the amendment is not germane to the bill. In a word, it provides that those of German ethnic origin, regardless of their place of birth, shall be admissible under our quota laws. Our quota laws are based upon the theory of national origin, and that the place of birth governs the quota. This amendment would change the theory of our immigration laws and provide that ethnic blood would determine the quota rather than place of birth.

For that reason the amendment is not germane to this bill which has for its purpose the solving of the displaced-persons problem regardless of quotas.

In defending the amendment, the proponent, Mr. Kersten, stated:

Mr. Chairman, there is no reference whatsoever in my amendment to

^{3.} H.R. 6396 (Committee on the Judiciary).

^{4.} 94 CONG. REC. 7871, 80th Cong. 2d Sess., June 11, 1948.

quotas. There is merely a reference to the definition as contained in the Fellows bill of the International Refugee Organization. It merely pertains to the description of displaced persons. There is no attempt to alter the immigration laws whatsoever. It merely pertains to the definition of displaced persons.

The Chair will note that in the bill as it is presented to the House the description of a displaced person refers to the definition contained in the IRO. My amendment merely affects that section of the bill and is not an attempt to alter the immigration laws.

The Chairman, (5) in ruling on the point of order, stated:

The Chair is of the opinion that the language of the gentleman's amendment does apply to displaced persons.

The point of order is overruled.

Armed Services: More Precise Definition or Description of Terms in Bill

§ 10.3 To that paragraph of the Selective Service Act of 1948 declaring that the obligation of military service should be shared generally in accordance with a fair and just system of selection, an amendment proposing to add the words, "and without discrimination in selection or service, or segregation on account of race, creed, color, or national origin" was held to be germane.

In the 80th Congress, a bill (6) was under consideration which stated in part: (7)

(e) The Congress further declares that in a free society the obligations and privileges of (military) service should be shared generally in accordance with a fair and just system of selection as hereinafter provided.

An amendment was offered (8) as described above.

Mr. John E. Rankin, of Mississippi, raised the point of order that the amendment was not germane. In defense of the amendment, the proponent stated as follows:

MR. [JACOB K.] JAVITS [of New York]: . . . (T)he bill itself provides that service should be shared in accordance with a fair and just system of selection. I respectfully submit that the amendment I have offered stated in more specific terms what is a fair and just system of selection.

The Chairman,⁽⁹⁾ in ruling on the point of order, stated:

The Chair is of the opinion that the language proposed by the amendment clearly follows the suggestion of a fair and just system in the declaration of policy. The Chair therefore overrules the point of order.

^{5.} George A. Dondero (Mich.).

^{6.} H.R. 6401 (Committee on Armed Services).

See 94 Cong. Rec. 8388, 80th Cong. 2d Sess., June 15, 1948.

^{8.} *Id.* at p. 8389.

^{9.} Francis H. Case (S.D.).

Adding Another Finding to Bill Containing Diverse Findings and Purposes

§ 10.4 To that portion of a bill containing diverse findings and purposes related to a general subject, an amendment adding another finding or purpose related to that subject is germane; thus, to a title of a bill establishing a **Department of Edu**cation, stating a wide range of findings and educational purposes for the creation of the Department, including a finding that there is a need to insure equal access to eduopportunities, cational amendment adding the finding that no individual should be denied such opportunities by regulations which utilize quotas or other numerical formulas based on creed, color, national origin or sex, was held germane as adding a related finding to the diverse class of educational policies stated in the title.

On June 12, 1979,⁽¹⁰⁾ during consideration of the Department of Education Organization Act of

1979 (11) in the Committee of the Whole, the Chair overruled a point of order and held the following amendment to be germane:

MR. [ROBERT S.] WALKER [of Pennsylvania]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Walker: On page 54, in line 21, strike out the ";", and insert the following: "and that no individual should be denied such education opportunities by rules, regulations, standards, guidelines, and orders which utilize any ratio, quota, or other numerical requirement related to race, creed, color, national origin or sex."...

MR. [FRANK] HORTON [of New York]: Mr. Chairman, I raise a point of order against this amendment, since it is on a subject that is different from that which is under consideration and, thus, it fails to meet the test that is imposed by rule 16, clause 7.

We are considering a reorganization statute, that is H.R. 2444, within the jurisdiction of the Committee on Government Operations. That committee has reported this bill.

The gentleman is introducing a new subject by way of his amendment which affects education programs. If such an amendment were introduced as a bill, it would not even be referred to the Committee on Government Operations.

In order to be germane, an amendment must have the same fundamental purpose as the bill under consideration. The purpose of H.R. 2444 deals only with the organizational structure of a new Department of Education.

^{10.} 125 CONG. REC. 14460, 96th Cong. 1st Sess.

^{11.} H.R. 2444.

The amendment raises a controversial subject of public policy and gets into substantive issues. Thus, the fundamental purpose of the amendment is not germane to the fundamental purpose of the bill. . . .

This amendment goes into substantive issues which are not involved in this committee. We have had no hearings on this subject; we have had no opportunity to discuss it; we have had no testimony on it. Whether I agree with the position of the gentleman is something else. I tend to agree with the gentleman's personal views. However, it is not something that is involved in the bill in the creation of a new Department. Somewhere we must draw the line as to what is germane in this bill. This in my judgment is not germane, it is not involved with the organization of this Department and therefore I urge that the amendment be ruled out of order. . . .

MR. WALKER: . . . I would say that [the amendment] is germane in its own right. What I am simply doing in this particular amendment is further defining findings which are already stated under the findings and purposes section of this bill.

The present findings says:

There is a continuous need to insure equal access for all Americans to educational opportunities of high quality.

All this language does is expand upon that particular phraseology by saying that no individual should be denied such educational opportunities by rules, regulations, standards, guidelines, or orders which utilize any ratio, quota, or other numerical requirement related to race, creed, color, national origin or sex.

It simply defines material which is already stated in the bill. . . .

The Chairman: $^{(12)}$ The Chair is prepared to rule.

The Chair would like to remind the Member that title I of H.R. 2444 in section 102 contains a diverse statement of purposes and findings applicable to the newly created Department of Education. These findings, while not affecting or creating new authorities which are to be transferred to the Department, are extremely diverse in character and emphasize several aspects of the question of the extent of Federal Government involvement in educational programs. Since it is difficult to group into one class all of the stated purposes and findings for the new Department, and since the pending amendment does not directly address new substantive authorities to be conferred upon or withheld from the Department, the Chair will rule that the amendment stating an additional finding relative to Federal educational policy is germane to title I of the bill.

The Chair would cite a relevant precedent contained in Cannon's precedents, volume VIII, section 3011, where, to a section embodying a declaration of policy and including a number of purposes, an amendment proposing to incorporate an additional purpose was held germane. There, the Chair emphasized that the declaration of policy section did not have any particular effect upon the bill, and that the section contained several diverse proposals.

Accordingly, the Chair overrules the point of order, and the gentleman from

^{12.} Lucien N. Nedzi (Mich.).

Pennsylvania is recognized for 5 minutes in support of his amendment.

Military Procurement, Including Food—Establishment of Department of Defense Grain Reserve

§ 10.5 To an amendment in the nature of a substitute authorizing appropriations for diverse military procurement programs for one fiscal year, including provisions relating to purchase of food supplies, an amendment authorizing establishment in that fiscal year of a military preparedness grain reserve was held germane as confined to military procurement and as a more specific authorization within the general authorization contained in the substitute.

During consideration of H.R. 6030 (13) in the Committee of the Whole on July 20, 1982,(14) the Chair, in overruling a point of order against an amendment, demonstrated that a general proposition may be amended by a proposition more specific in scope if within the same class:

Mr. [RONALD V.] DELLUMS [of California]: Mr. Chairman, I offer an

amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. Dellums. Strike out all after the enacting clause and insert in lieu thereof the following:

SHORT TITLE

Section 1. This Act may be cited as the "Department of Defense Authorization Act, 1983".

TITLE III—OPERATION AND MAINTENANCE

AUTHORIZATION OF APPROPRIATIONS

Sec. 301. (a) Funds are hereby authorized to be appropriated for fiscal year 1983 for the military functions of the Department of Defense for operation and maintenance in the amount of \$62,267,000,000. . . .

MR. [JAMES] WEAVER [of Oregon]: Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. Weaver to the amendment in the nature of a substitute offered by Mr. Dellums: On page 14, after line 21, insert a new section 902:

The Secretary is hereby authorized to establish a military preparedness grain reserve. The sum of \$2,000,000,000 is hereby authorized to be appropriated in fiscal year 1983 to purchase corn, wheat, and soybeans and to construct storage facilities. The Secretary may use for guidance in such purchases the amounts of corn, wheat, and soybeans purchased by the Union of Soviet Socialist Republics in calendar year 1982. . . .

MR. [WILLIAM L.] DICKINSON [of Alabama]: I make the point of order, Mr.

^{13.} The Military Procurement Authorization, fiscal 1983.

^{14.} 128 CONG. REC. 17073, 17074, 17092, 17093, 97th Cong. 2d Sess.

Chairman, that the amendment is not germane to the authorization bill now under discussion.

Mr. Chairman, I can hardly add to that. This authorizes the Secretary to establish a grain reserve of some \$2 billion for the purchase of grain. As a matter of fact, if the soybeans are bought from the Second District of Alabama, it might improve our economy, but I think this is not germane to the authorization matters under discussion, and I make a point of order against it. . . .

MR. WEAVER: Mr. Chairman, I simply say that the amendment in the nature of a substitute contains, as does the bill before us, authorization to purchase food supplies for the military. This is just an additional procurement, a reserve of food supplies for the military.

THE CHAIRMAN PRO TEMPORE: (15) The Chair is prepared to rule on the gentleman's point of order.

The Chair views the amendment as described by its author as an additional fiscal year 1983 military procurement amendment which does not affect any law or program within another committee's jurisdiction. The amendment is germane, the point of order is overruled and the gentleman from Oregon is recognized for 5 minutes in support of his amendment.

Bill Mandating Diverse Studies—Amendment Directing Specific Investigations

§ 10.6 To a bill requiring that a certain percentage of auto-

15. Les AuCoin (Ore.).

mobiles sold in the United States be manufactured domestically, imposing an import restriction on any person violating that requirement, and including diverse studies of the impact of the bill and of factors that affect domestic production of automobile products, an amendment directing the study of the impact of currency exchange rates on vehicle manufacturers and on domestic production of automotive products was held germane as a further study requirement within the more general class of study already contained in the bill.

An example of the principle that a specific proposition may be germane to a proposition of the same class which is more general in scope may be found in the proceedings of Nov. 3, 1983, (16) during consideration of the Fair Practices and Procedures in Automotive Products Act of 1983. (17) The proceedings, wherein the Chair overruled a point of order against the amendment described above, were as follows:

MR. [JAMES J.] FLORIO [of New Jersey]: Mr. Chairman, I offer an amendment.

^{16.} 129 CONG. REC. 30782, 30783, 98th Cong. 1st Sess.

^{17.} H.R. 1234.

The Clerk read as follows:

Amendment offered by Mr. Florio: Page 36, after line 4 insert the following:

SEC. 11. STUDY OF IMPACT OF CURRENCY EXCHANGE RATES ON COMPETITIVENESS AMONG VEHICLE MANUFACTURERS.

The Secretary shall promptly appoint a task force consisting of the chief officers of the appropriate Federal agencies to study the impact of unbalanced and fluctuating rates of currency exchange on vehicle manufacturers and on the extent to which such rates affect domestic production of automotive products for sale and distribution in interstate commerce. The Secretary shall report to the Congress, within one year after the date of the enactment of this Act, on findings of the task force. The report shall include such recommendations as the task force deems appropriate promoting fair competition among vehicle manufacturers. . . .

MR. [BILL] FRENZEL [of Minnesota]: . . . Mr. Chairman, I believe this amendment is subject to a point of order. Again, I cite rule XVI, clause 7, the germaneness rule.

Under the amendment offered by the gentleman from New Jersey (Mr. Florio), we have a Secretary of Transportation appointing a task force of the chief officers of the appropriate Federal agencies to study the impact of fluctuating rates of currency on vehicle manufacturers, and on the extent to which rates affect competition.

This business of the rates of currency and the fluctuation thereof is a matter that has been studied by competent agencies: The Department of the Treasury, the Federal Reserve and others.

It is not within the competence of the Secretary of Transportation, nor is it within this committee's jurisdiction.

As a matter of fact, the exchange rate is something that is a shared jurisdiction among a number of committees, probably Banking, undoubtedly Foreign Affairs, and certainly the gentleman's own committee and probably Ways and Means as well.

In any case, it does not direct itself toward the bill which again is talking about domestic content, not about the ven-dollar rate.

As a matter of fact, the bill solves the yen-dollar problem by simply not admitting Japanese automobiles. . . .

[The amendment] is not germane to the item in question which is the domestic content of automobiles sold in the United States.

The purpose of this bill is to keep any yen values out of the United States, and, therefore, this amendment can have no relationship to the main bill. . . .

MR. FLORIO: . . . Mr. Chairman, it seems to me that section 4 provides for an advisory council to undertake an analysis for the factors impacting on the domestic production of the automobile products for sale and distribution in interstate commerce. That language is tracked in this amendment and accordingly, it is within the scope of the bill and is germane. . . .

MR. [JAMES T.] BROYHILL [of North Carolina]: . . . Mr. Chairman, the issues concerning currencies are not within the purview of this bill as presently contained in this bill, and the studies that are requested by this amendment are not consistent with the studies that are requested by the bill.

As has been pointed out already, the bill deals with the production of the automobiles and deals with the percentage of domestic content of those automobiles that are produced in the United States, and has nothing to do with any determination of the value of the dollar versus foreign currencies.

THE CHAIRMAN: (18) . . . [T]he test of germaneness is whether the amendment relates to the basic subject matter covered by the bill. The bill on page 20, section 4, calls for a domestic automotive product strategy study. In part, the strategy that is to be developed by the Secretary is to consider on a regular basis, and I quote section (B) of section 4:

Those factors that significantly affect domestic production of automotive products for sale and distribution in interstate commerce.

The amendment that has been presented by the gentleman from New Jersey (Mr. Florio) refers to a study on currency rates that, and again, I quote from the amendment: ". . . affect domestic production of automotive products for sale and distribution in interstate commerce," and, therefore, tracks the same language that is included within the bill itself.

Therefore, it is the finding of the Chair that the amendment is germane, and the point of order is not sustained.

Bill Funding Diverse Studies— Amendment Authorizing Specific Inquiry

§ 10.7 Where existing law requires a Department to study

18. Leon E. Panetta (Calif.).

and recommend changes in all laws on an annual basis to encourage energy conservation, an amendment to an annual authorization bill for that Department directing it to study and recommend changes in one category of laws with funds covered by the bill was held germane as confined to the fiscal year covered by the bill and as a specific direction within the general category of duties required by existing law.

On Oct. 18, 1979, (19) the Committee of the Whole had under consideration a bill (20) authorizing appropriations for the Department of Energy for one fiscal year, including funds for conservation programs of the Department. An amendment was offered to the bill, adding a new title authorizing appropriations for the same fiscal year for a study of legislative proposals for energy tax credits introduced in the 96th Congress, including an assessment of the costs to the United States and the savings in energy through such proposals. The amendment was held to be germane since confined to the use of funds for the

^{19.} 125 CONG. REC. 28763, 28764, 96th Cong. 1st Sess.

^{20.} H.R. 3000.

appropriate fiscal year, and since the Department of Energy had the responsibility under existing law, in carrying out its conservation programs, to annually study and recommend changes in all laws to encourage energy conservation. The amendment stated:

Amendment offered by Mr. Clinger: Page 41, after line 24, insert a new title IV as follows and renumber the following titles accordingly.

TITLE IV

TAX CREDIT STUDY

Sec. 401. (a) There is authorized to be appropriated to the Department of Energy for the fiscal year ending September 30, 1980, not to exceed \$38,500 to conduct the study under subsection (b).

(b) The Secretary of Energy shall conduct a study to assess the various proposals for Federal tax credits for residential coal-heating equipment, as contained in legislation introduced in the Congress during the 96th session. The study shall include an estimate of the costs to the United States of the various tax credit proposals and an evaluation of the possible savings in consumption of heating oil and natural gas that would result from the proposals. Not later than one year after the date of the enactment of this Act, the Secretary of Energy shall submit to the Congress a report of the results of the study. . . .

MR. [JOHN D.] DINGELL [of Michigan]: Mr. Chairman, I make a point of order that the amendment is not germane.

Mr. Chairman, the legislation before us, H.R. 4839, is a 1-year authorization bill for the Department of Energy. It is an authorization bill which relates to the energy activities of the Department of Energy, as opposed to taxable matters and taxes.

The amendment is not germane for several reasons. The first is that it relates to matters other than energy, in that it directs a study with regard to tax credits. Nowhere in the proposal before us, Mr. Chairman, do we find anything relating to tax credits in the legislation. . . .

I would point out that the Secretary of Energy, according to the language of the amendment in paragraph (b) is directed to conduct a study to assess various proposals for Federal tax credits for residential coal heating equipment as contained in the legislation in the Congress. I now quote: "During the 96th session."

Now, I assume that refers to the 96th Congress. The 96th Congress will be for this fiscal year, plus portions of the succeeding fiscal year.

I would observe that if the study includes matters which were introduced during the 96th Congress, it will include matters which were introduced after the conclusion of the fiscal year in which we find ourselves and after the conclusion of the period covered by the authorization proposal.

The amendment further in its last three lines says as follows:

Not later than one year after the date of the enactment of this Act, . . .

That mandates actions by the Secretary of Energy 1 year after the date of enactment of this statute, which

would be whatever date it might be, but it would be 1 year after at least probably the conclusion of the fiscal year in question. Again I recall to the Chair the fact that the proposal before us is a 1-year authorization bill and that this mandates actions by the Secretary well after the conclusion of the period covered in the 1-year authorization bill which is before the committee.

For that reason, I believe that the amendment is nongermane. I would urge that position on the Chair. . . .

MR. [ABRAHAM] KAZEN [Jr., of Texas]: Mr. Chairman, I would . . . urge upon the Chair the fact that this proposal is very vague and indefinite, in that the study shall be based on all legislation which may be introduced in the 96th Congress, which is an impossibility for the Secretary to undertake, since all of the proposals in the 96th Congress have not yet been introduced and there is no limit to when they can be introduced before the end of the 96th Congress and the impossibility of meeting this 1-year deadline is within the ambiguity of this amendment.

Therefore, for that reason, Mr. Chairman, I urge that the point of order be sustained. . . .

THE CHAIRMAN PRO TEMPORE: (1) The Chair is prepared to rule. The amendment offered by the gentleman from Pennsylvania directs the Secretary of Energy with funds separately authorized by the amendment for fiscal year 1980 to conduct a study to assess legislative proposals introduced in the 96th Congress which provides Federal tax credits for residential coat heating equipment in order to evaluate the costs of those proposals and possible

savings in the consumption of heating oil and natural gas that would result therefrom.

The Secretary shall report his findings not later than 1 year after enactment.

The possibility that the study might not be completed within the fiscal year 1980 does not seem to the Chair to be crucial in this case, since the study is only to be funded by fiscal year 1980 funds and since other activities of the Department of Energy funded by the bill for fiscal year 1980 are ongoing in nature and could also involve continued participation beyond September 30, 1980.

A more central question is the issue of the tax study. While ordinarily revenue matters are within the jurisdiction of the Committee on Ways and Means and would not be germane to a bill reported by another committee, in the present case the Department of Energy is mandated by its organic statute (Public Law 95–91) to annually study and recommend changes in all laws and regulations needed to encourage more conservation of energy.

The Chair would also observe that title III, which the committee has already dealt with, does address the issue of energy conservation programs in the Department.

As a new title, the amendment imposes upon the Secretary of Energy for fiscal year 1980 a more specific responsibility to study energy conservation consequences of certain tax proposals than those currently required by law, but nevertheless a responsibility within the ambit of the Secretary's existing authority and confined to the fiscal year covered by the titles of the bill read to this point.

^{1.} Gerry E. Studds (Mass.).

The Chair would further observe that the observation made by the gentleman from Texas (Mr. Kazen) are addressed to the merits and the substance of the amendment rather than to its germaneness.

The Chair, therefore, overrules the point of order.

Bill Relating to Conversion From Oil and Gas to Coal— Amendment Providing for Assistance to Industry for Construction of Coal Liquefaction Facilities

§ 10.8 To a bill designed to increase supplies of fossil fuels, and increase the use of domestic energy supplies other than petroleum through conversion to coal, and containing an entire title dealing with industrial conversion from oil and gas to coal, an amendment adding a new title providing government loans and other assistance to private industry for the construction and operation of facilities for the liquefaction and gasification of coal was held germane as within the scope of the bill.

On Sept. 18, 1975, (2) the Committee of the Whole having under consideration the Energy Con-

servation and Oil Policy Act of 1975 (H.R. 7014), an amendment was offered to add a new title to the bill to which a point of order was raised and overruled. The proceedings were as follows:

MR. [TIM LEE] CARTER [of Kentucky]: Mr. Chairman, I offer an amendment in the form of a new title to title VIII. The Clerk read as follows:

Amendment offered by Mr. Carter: On page 356, line 6, insert the following new Title and renumber subsequent Titles accordingly:

TITLE VIII—COAL GASIFICATION AND LIQUEFACTION DEVELOP-MENT

Sec. 801. (a) The Administrator shall establish a program of assistance to private industry for the construction and operation of one or more facilities for the liquefaction and gasification of coal. In order to effectuate such program, the Administrator may make loans and issue guarantees to any person for the purpose of engaging in the commercial operation of facilities designed for the liquefaction or gasification of coal

(b)(1) For the purpose of making loans or issuing guarantees under this section, the Administrator shall consider (A) the technology to be used by the person to whom the loan or guarantee is made or issued, (B) the production expected, (C) reasonable prospect for repayment of the loans. . . .

Sec. 802. (a) The Administrator is authorized . . .

(3) Each lease shall further provide that the lessee shall have options to purchase the facilities at any time within ten years after the date of the respective lease at a price to be agreed upon by the parties. Each

^{2.} 121 CONG. REC. 29338–41, 94th Cong. 1st Sess.

option shall be conditioned, however, upon the right of the Administrator within the ten-year term to offer the facilities for sale at public auction and the lessee shall be entitled to purchase the facilities if he meets the highest bona fide offer in excess of the agreed option price. In order that an offer may be considered bona fide, it shall be offered by a bidder who shall have been determined by the Administrator to be financially and technically qualified to purchase and operate the facilities. . . .

MR. [JOHN D.] DINGELL [of Michigan]: Mr. Chairman, I raise a point of order that the amendment is not germane. . . .

The point of order is as follows: A reading of the amendment will show that under subsection 801(a), it would authorize a very large program of loans and grants for the construction and operation of facilities for the liquefaction and gasification of coal.

Nowhere else in the bill are there loans and grants, and nowhere else in the bill are there provisions for that kind of stimulus for the construction of facilities for the liquefaction or gasification of coal.

In addition to these loans and guarantees, the Administrator is vested with authority to guarantee performance of contracts of persons receiving loans from the administration for the purchase, construction, and acquisition of equipment and supplies necessary to construct and operate such a facility. This again, Mr. Chairman, is not within the purview of the bill.

In addition to this, construction plans and construction of facilities, further down under (d)(2), could be financed in whole or in part, including exploration and development.

In addition to this, the possibility of exemptions and exceptions from the air and water pollution laws are included under (c)(2)(d), or, rather, under paragraph (d).

To go along further, by no stretch of the imagination could my colleagues be anticipated to anticipate an amendment of this kind and character coming to this bill and relating to the air and water pollution laws. Indeed the language is sufficiently broad to make this exempt from State statutes, as well as from Federal statutes, and that is a matter clearly not before the committee at this particular time. Then we have the question of compliance with Federal and State air pollution laws. . . .

In addition to this, under section 802(a)(3), the amendment provides for acquisition of private interests in all such facilities as may have heretofore been constructed or acquired relating to gasification of coal and other types of energy uses. Again this goes far beyond the scope and sweep of the bill before the committee.

Again, under section 802(b)(1), these facilities could then be leased or rented under conditions and terms as agreed on by and between the parties, apparently without regard to existing Federal statutes relating to the sale, leasing, or disposal of real estate, and that is a matter which is under the jurisdiction of other committees and which is the subject of control under other statutes not presently before the House and not mentioned or alluded to in the provisions of H.R. 7014 now before the committee. . . .

MR. [CLARENCE J.] BROWN of Ohio: As much as I am reluctant to do so, I

would have to suggest to the chairman of the subcommittee that I think that the gentleman's amendment is germane.

I would like to cite the provisions of the purposes of the act, section 102. Item (3) in that section says, "to increase the supply of fossil fuels in the United States, through price incentives and production requirements."

The gentleman's amendment squares, it seems to me, specifically with that. As the gentleman from Kentucky (Mr. Carter) has pointed out, item (6) says "to increase the use of domestic energy supplies other than petroleum products and natural gas through conversion to the use of coal."

This would certainly encourage the use of coal.

Section 606 in the bill provides similar incentives to those provided by the amendment of the gentleman from Kentucky (Mr. Carter) for coal mines. Pollution requirements would not be overridden by the legislation or the legislative modification of the gentleman from Kentucky unless specified, that is, those existing pollution requirements would not be overridden unless they were specified in the amendment, and they are not specified in the amendment. They would, therefore, continue to apply.

It seems to me that the amendment of the gentleman from Kentucky specifically does encourage the development and use of additional fossil fuels by the various provisions in his amendment and that those provisions are in the bill and have been added by other amendments, and, therefore, would be germane to this legislation.

The Chairman: $^{(3)}$ The Chair is ready to rule.

For substantially the reasons just outlined by the gentleman from Ohio (Mr. Brown), and in view of the fact that title III has several provisions going to the general issue of maximizing availability of energy supplies, including coal, and, as pointed out, title VI encourages industrial conversion from oil and gas to coal, for example, by a similar loan guarantee mechanism as proposed in the amendment, the Chair finds that the amendment inserting a new title is germane to the bill under consideration and overrules the point of order.

Bill Authorizing Broad Program of Energy Research and Development—Amendment Directing Specific Emphasis

§ 10.9 To a bill authorizing a broad program of research and development, an amendment directing specific emphasis during the administration of that program is germane; thus, to a portion of a bill directing the Administrator of Energy Research and Development to undertake research and development of the uses of energy from several enumerated or energy sources, amendment directing a fully funded program of research and development in "unconventional energy sources and technologies" and further delineating those energy

^{3.} Richard Bolling (Mo.).

sources to be emphasized was held germane.

During consideration of H.R. 11510⁽⁴⁾ in the Committee of the Whole on Dec. 19, 1973,⁽⁵⁾ Chairman Dan Rostenkowski, of Illinois, overruled a point of order against the following amendment:

MR. [MORRIS K.] UDALL [of Arizona]: Mr. Chairman, I offer an amendment. The Clerk read as follows:

Amendment offered by Mr. Udall: Page 33, lines 11–15, strike subsection (3) and insert in lieu thereof a new subsection (3) as follows:

(3) conducting an aggressive and fully funded program of energy research and development, including demonstration projects, in unconventional energy sources and technologies including but not limited to solar energy, geothermal energy, magnetohydrodynamics, fuel cells, low head hydroelectric power, use of agricultural products for energy, tidal power and thermal gradient power, wind power, automated mining methods, in situ conversion of fuels, cryogenic transmission of electric power, electric energy storage methods, alternatives to the internal combustion engine, solvent refined coal, shale oil, coal gasification and liquefaction, utilization of waste products for fuel, hydrogen gas systems, advanced power cycles including gas turbines, and stack gas cleanup. . . .

MR. [CRAIG] HOSMER [of California]: Mr. Chairman, I make a point of order against the amendment on the ground

it is not germane, and seeks to invade the province of another committee, to wit, the Committee on Appropriations and an authorizing committee, in that it requires that such programs as are listed be fully funded, and full funding is the province of another committee, or partial funding or no funding. . . .

THE CHAIRMAN: The Chair will rule the amendment goes to the sources of energy and to the types of research and development that are in the bill and delineates further sources and programs. In view of the broad scope of the legislation, the amendment is germane.

The Chair, therefore, overrules the point of order.

Provision Conferring Broad Authority—Amendment Directing Specific Approach

§ 10.10 To a proposition conferring a broad authority to accomplish a particular result, an amendment authorizing and directing a specific approach to be taken in the exercise of such authority is germane; thus, to a section of an amendment in the nature of a substitute directing the president to minimize any adverse impact upon employment because of actions taken under that Act to conserve energy resources, an amendment authorizing grants to states for assistance to individuals unem-

^{4.} The Energy Reorganization Act of 1973.

¹¹⁹ Cong. Rec. 42607, 93d Cong. 1st Sess.

ployed as the result of administration of that Act and not eligible for assistance under other unemployment compensation programs was held to be germane.

On Dec. 14, 1973,⁽⁶⁾ during consideration of H.R. 11450⁽⁷⁾ in the Committee of the Whole, it was demonstrated that a specific proposition is germane to a proposition more general in scope, Chairman Richard Bolling, of Missouri, holding an amendment to an amendment in the nature of a substitute to be germane, as indicated below:

SEC. 122. EMPLOYMENT IMPACT AND WORKER ASSISTANCE

(a) Carrying out his responsibilities under this Act, the President shall take into consideration and shall minimize, to the fullest extent practicable, any adverse impact of actions taken pursuant to this Act upon employment. All agencies of government shall cooperate fully under their existing statutory authority to minimize any such adverse impact.

(b) On or before the sixtieth day following the date of enactment of this Act, the President shall report to the Congress concerning the present and prospective impact of energy shortages upon employment. Such report shall contain an assessment of the adequacy of existing programs in meeting the needs of adversely affected workers

and shall include legislative recommendations which the President deems appropriate to meet such needs, including revisions in the unemployment insurance laws.

Mr. [Ronald A.] Sarasin [of Connecticut]: Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute offered by the gentleman from West Virginia (Mr. Staggers).

The Clerk read as follows:

Amendment offered by Mr. Sarasin to the amendment in the nature of a substitute offered by Mr. Staggers: Page 44, after line 12, insert the following:

(b) The President is authorized and directed to make grants to States to provide to any individual unemployed, if such unemployment resulted from the administration and enforcement of this Act and was in no way due to the fault of such individual, such assistance as the President deems appropriate while such individual is unemployed. Such assistance as a State shall provide under such a grant shall be available to individuals not otherwise eligible for unemployment compensation and individuals who have otherwise exhausted their eligibility for such unemployment compensation, and shall continue as long as unemployment in the area caused by such administration and enforcement continues (but not less than six months) or until the individual is reemployed in a suitable position, but not longer than two years after the individual becomes eligible for such assistance. Such assistance shall not exceed the maximum weekly amount under the unemployment compensation program of the State in which the employment loss occurred. . . .

MR. [JOHN D.] DINGELL [of Michigan]: Mr. Chairman, I make a point of

^{6.} 119 CONG. REC. 41732, 93d Cong. 1st Sess.

^{7.} The Energy Emergency Act.

order against the amendment, that the amendment is not germane to the bill.

I make a point of order that the amendment is not germane to the section. . . .

MR. [SAM M.] GIBBONS [of Florida]: Mr. Chairman, my point in supporting the point of order raised by the gentleman from Michigan is that the Unemployment Compensation Act is not being amended in any place in this act. The gentleman in the well is attempting to amend the Unemployment Compensation Act.

I happen to be rather familiar with it; it is one of the acts that is within the jurisdiction of the Committee on Ways and Means, and I am sure it is not within the scope of this act at all. . . .

MR. DINGELL: . . . As the Chair will note, the bill in subsection (a) of section 122, which is amended, provides for the President taking certain actions to minimize the impact of the adverse effect of the act. In the second part, the President is directed to perform a study.

As the Chair will note, the amendment offered by my good friend from Connecticut—and I commend him for offering it; it is an amendment that appears to have a great deal of merit—but I would point out it is not an amendment which is germane, because the amendment directs the President and the States to provide for individual unemployed and to make payments for unemployment.

It relates to the eligibility of unemployed for compensation and Federal grants which in turn support the unemployment compensation, and also authorizes appropriations, which is not authorized in the act before us.

It is for those reasons, since some of the provisions are carried elsewhere in the bill or in the section before us, it is obvious the amendment is not germane. . . .

MR. SARASIN: . . . On line 7, page 44, the first section of paragraph A, it says:

Carrying out his responsibilities under this Act, the President shall take into consideration and shall minimize, to the fullest extent practicable, any adverse impact of actions taken pursuant to this Act upon employment.

It is the responsibility of various agencies. I do not see that this amendment I have offered to authorize the President to make grants to States providing assistance to any individual unemployed, if such unemployment is resulting from the administration and enforcement of this act, is nongermane.

It would seem to me that it certainly is a logical extension of what is in here within section 122 as it now stands.

THE CHAIRMAN: The Chair is ready to rule.

The Chair will state that the section sought to be amended by the amendment offered by the gentleman from Connecticut (Mr. Sarasin), as he has just read it, directs the President, in carrying out his responsibilities under this act, that he shall take into consideration and shall minimize, to the fullest extent practicable, any adverse impact of actions taken pursuant to this act upon unemployment.

The amendment does not amend another act. It seeks to provide an authorization for a specific approach for the carrying out of the broad authority bestowed upon the President to "minimize" adverse impact of actions taken under the act.

Therefore, the Chair overrules the point of order, and, under clause 6 of rule XXIII, recognizes the gentleman for 5 minutes.

Mandate for Restrictive Policy in Purchase of Government Vehicles—Amendment Imposing Numerical Limitation

§ 10.11 To a portion of an amendment in the nature of a substitute directing the president to require all government agencies to use economy model motor vehicles, an amendment limiting the number of "fuel inefficient" passenger motor vehicles which the government could purchase was held germane as a further delineation of the broad restriction imposed by the amendment in the nature of a substitute.

On Dec. 14, 1973, (8) during consideration of H.R. 11450 (9) in the Committee of the Whole, Chairman Richard Bolling, of Missouri, overruled a point of order against the following amendment:

MR. [GLENN M.] ANDERSON of California: Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute offered by the gentleman from West Virginia (Mr. Staggers).

The Clerk read as follows:

Amendment offered by Mr. Anderson of California to the amendment in the nature of a substitute offered by Mr. Staggers: On page 31, line 21, strike out the period and insert the following:", *Provided,* That the aggregate number of fuel inefficient passenger motor vehicles purchased by all executive agencies in fiscal year 1975 may not exceed 30 per centum of the aggregate number of passenger motor vehicles purchased by all executive agencies in such year; and the aggregate number of fuel inefficient passenger motor vehi-cles purchased by all executive agencies in fiscal year 1976 may not exceed 10 per centum of the aggregate number of passenger motor vehicles purchased by all executive agencies in such year. For purposes of this subsection, the term "fuel inefficient passenger motor vehicle" for fiscal year 1975 means an automobile which does not achieve at least seventeen miles per gallon as certified by the Department of Transportation; for fiscal year 1976, and thereafter, the term "fuel inefficient passenger motor vehicle" means an automobile which does not achieve at least twenty miles per gallon, as certified by the Department of Transportation.". . .

MR. [JAMES T.] BROYHILL of North Carolina: . . . Mr. Chairman, I make a point of order against this amendment, inasmuch as it deals with the specifications of certain equipment on American-made automobiles, and it is not under the jurisdiction of this committee, nor under the jurisdiction of any committee of the House. . . .

Mr. Anderson of California: . . . Mr. Chairman, I would just like to read a portion of the present bill. All we are doing is extending the provisions of the bill.

^{8.} 119 CONG. REC. 41722, 41723, 93d Cong. 1st Sess.

^{9.} The Energy Emergency Act.

The present bill provides as follows:

As an example to the rest of our Nation's automobile users, the President of the United States shall take such action as is necessary to require all agencies of government, where practical, to use economy model motor vehicles.

Mr. Chairman, we are simply amending and extending the same provision

THE CHAIRMAN: The Chair is prepared to rule.

The Chair points out that taken as an isolated point, the argument made by the gentleman from North Carolina (Mr. Broyhill) might have some validity, but the answer made by the gentleman from California (Mr. Anderson) is in direct response to the point. The subject is in the bill.

The Chair, therefore, overrules the point of order.

Bill Creating Task Force To Investigate Relationship Between Environmental Pollution and Certain Diseases— Amendment Directing Task Force To Consider Impact of Personal Health Habits

§ 10.12 To that portion of a bill creating a task force to investigate the relationship between environmental pollution and cancer and heart and lung diseases, an amendment directing that task force to consider the impact of personal health habits, including cigarette smoking,

on that relationship was held germane.

On Sept. 15, 1976,(10) during consideration of the Clean Air Act Amendments of 1976 (11) in the Committee of the Whole, the Chair overruled a point of order against an amendment, demonstrating that to a proposition general in scope an amendment more limited and specific may be germane:

Sec. 310. Title I of the Clean Air Act as amended by sections 107 and 108 is further amended by adding the following new subtitle at the end thereof:

"SUBTITLE D—PREVENTION OF ENVI-RONMENTAL CANCER AND HEART AND LUNG DISEASE

"PREVENTION OF ENVIRON-MENTAL CANCER AND HEART AND LUNG DISEASE

"Sec. 170. (a) Not later than three months after date of enactment of this section, there shall be established a Task Force on Environmental Cancer and Heart and Lung Disease (hereinafter referred to as the "Task Force"). The Task Force shall include representatives of the Environmental Protection Agency, the National Cancer Institute, the National Heart, Lung, and Blood Institute, and the National Institute on Environmental Health Sciences, and shall be chaired by the Administrator (or his delegate).

^{10.} 122 CONG. REC. 30496–98, 94th Cong. 2d Sess.

^{11.} H.R. 10498.

- "(b) The Task Force shall—
- "(1) develop and implement a comprehensive research program to determine and quantify the relationship between environmental pollution and human cancer and heart and lung disease;
- "(2) make recommendations for comprehensive strategies to reduce or eliminate the risks of cancer (or such diseases) associated with environmental pollution;
- "(3) engage in such other research and recommend such other measures as may be appropriate to prevent or reduce the incidence of environmentally related cancer and heart and lung diseases. . . .

Mr. [GARY] MYERS of Pennsylvania: Mr. Chairman, I offer an amendment. The Clerk read as follows:

Amendment offered by Mr. Myers of Pennsylvania: Page 331, line 24, strike out the closing quotation marks and period and insert:

"(c) In developing and implementing its research program and making its recommendations, the Task Force shall consider the impact of personal health habits, including tabacco smoking, on the relationship between environmental pollution and human cancer and heart and lung disease."

Renumber succeeding sections accordingly. . . .

MR. [James T.] Broyhill [of North Carolina]: . . . [T]his amendment would apply not to the standards and regulations that are being promulgated by the Administrator of EPA, that is in regard to the ambient air quality standards, but it would apply to agricultural products such as tobacco. Thus I make the point of order that the amendment is not germane to the title

or to the bill as written in that it imposes additional duties and functions on the Administrator and directs him to make regulations on certain products which are not within the purview of this bill and also products which are generally thought to be under the jurisdiction of other committees. . . .

MR. MYERS of Pennsylvania: . . . This amendment deals with the section of the bill which mandates a comprehensive study, and I read from the section of the bill numbered section 170 which indicates as follows:

Not later than three months after date of enactment of this section, there shall be established a Task Force on Environmental Cancer and Heart and Lung Disease . . .

On page 331 the bill goes on and some of the directions to the task force are stated in this way:

The Task Force shall—

(1) develop and implement a comprehensive research program to determine and quantify the relationship between environmental pollution and human cancer and heart and lung disease;

Paragraph (2) indicates once again as follows, that the task force shall:

(2) make recommendations for comprehensive strategies to reduce or eliminate the risks of cancer (or such diseases) associated with environmental pollution;

Also paragraph (3) of the bill says that the task force shall:

(3) engage in such other research and recommend such other measures as may be appropriate to prevent or reduce the incidence of environmentally related cancer and heart and lung diseases;

Also paragraph (4) once again mentions appropriate studies and says they

shall be made to evaluate environmentally related cancer and heart and lung diseases.

Last week when we discussed the bill before the House I brought up the fact that there appears to be a relationship between the use of tobacco and habits such as smoking and the interrelationship of environmental pollutants with the incidence of cancer. I see no way in which a comprehensive study could be made without the outright assumption by the Congress at this point that there is an interrelationship because of the fact that there appear to be statistics showing some relationship, and I do not think this amendment directs the task force to do anything other than to be as comprehensive as possible and not to ignore this facet. . . .

THE CHAIRMAN: (12) The Chair is prepared to rule.

A point of order has been made against an amendment offered by the gentleman from Pennsylvania (Mr. Myers). The amendment inserts the following language:

(c) In developing and implementing its research program and making its recommendations, the Task Force shall consider the impact of personal health habits, including tobacco smoking, on the relationship between environmental pollution and human cancer and heart and lung disease.

The section which this seeks to amend is entitled "Prevention of Environmental Cancer and Heart and Lung Disease." This section imposes upon a task force a duty to make certain general findings.

12. J. Edward Roush (Ind.).

It occurs to the Chair that the amendment is a specific proposition which is germane to a more general requirement imposed within the bill itself and that it is within the categories of findings which must be made by the task force.

Therefore, the Chair is constrained to overrule the point of order and does overrule the point of order.

Bill Providing Loan Guarantees to All States—Amendment Concerning Loans to One State

§ 10.13 A general proposition may be amended by a related proposition which is more limited or restricted in nature; thus, to a bill providing loan guarantee programs for all states and subdivisions, an amendment in the nature of a substitute providing direct loans and limited to New York was held germane.

The proceedings of Dec. 2, 1975, relating to H.R. 10481, the Intergovernmental Emergency Assistance Act, are discussed in 6.4, supra.

Comprehensive Grant Program—Restriction on State Funding Until Specific Program Has Been Put in Operation

§ 10.14 To a bill authorizing the funding of a variety of

programs which satisfy several stated requirements, in order to accomplish a general purpose, an amendment conditioning the availability of those funds upon implementation by their recipients of another program related to that general purpose is germane; thus, to a bill providing comprehensive grant program for improvement of state and local law enforcement and criminal justice systems, including within its scope the subject of welfare of law enforcement officers, an amendment requiring states to enact a law enforcement officers' grievance system as a prerequisite to receiving grants under the bill was held to come within the general subject of law enforcement improvement covered by the bill and was held germane.

During consideration of the Law Enforcement Assistance authorization bill (13) in the Committee of the Whole on June 18, 1973,(14) the Chair overruled a point of order against the following amendment:

The Clerk read as follows:

Amendments offered by Mr. Biaggi: Page 15, line 8, strike out "and".

Page 15, immediately after line 8, insert the following:

"(13) provide a system for the receipt, investigation, and determination of complaints and grievances submitted by law enforcement officers of the State, units of general local government and public agencies. . . .

"PART J—LAW ENFORCEMENT OFFI-CERS" GRIEVANCE SYSTEM AND BILL OF RIGHTS

"Sec. 701. Beginning one year after the date of enactment of this section, no grant under part B or part C of this title shall be made to any State, unit of general local government or public agency unless such State, unit of general local government, or public agency has established and put into operation a system for the receipt, investigation, and determination of complaints and grievances submitted by law enforcement offi-cers of the State, units of general local government, and public agen-cies operating within the State and has enacted into law a "law enforcement officers" bill of rights' which includes in its coverage all law enforcement officers of the State, units of general local government and public agencies operating within the State.

"BILL OF RIGHTS

"The law enforcement officers' bill of rights shall provide law enforcement officers of such State, units of general local government, and public agencies statutory protection for certain rights enjoyed by other citizens. The bill of rights shall provide, but shall not be limited to, the following:

"(a) Political Activity by Law Enforcement Officers.—Except when on duty or when acting in his official capacity, no law enforcement officer shall be prohibited from engaging in

^{13.} H.R. 8152.

^{14.} 119 CONG. REC. 20099–101, 93d Cong. 1st Sess.

political activity or be denied the right to refrain from engaging in political activity. . . .

"(i) In addition to any procedures available to law enforcement officers regarding the filing of complaints and grievances as established in this section, any law enforcement officer may institute an action in a civil court to obtain redress of such grievances.". . .

MR. [WALTER] FLOWERS [of Alabama]: Mr. Chairman, my point of order is based on the nongermaneness of the amendment offered by the gentleman from New York. . . .

On the point of order, Mr. Chairman, on germaneness, this embarks on an entirely new direction. It establishes rights and duties for law enforcement officers and personnel which are not a part of the thrust of the LEAA law. . . .

MR. [MARIO] BIAGGI [of New York]: . . . The fact of the matter is that this is consistent with the proposal being made today, as to establishing guidelines. Guidelines have been established in the past. . . .

This is a question of civil rights as much as any other question is, as it relates to anybody else.

So far as germaneness is concerned, I obviously have to disagree with the gentleman. We have many guidelines already established. This will establish another guideline. There is no imposition here on any State or political subdivision. It is a prerogative they can exercise.

If they seek Federal funds they must comply. Right now the same obligation is imposed upon them. If they seek Federal funds they must comply with the civil rights law and all the prohibitions we have imposed upon them. All we are doing is including the law-enforcement officers. . . .

THE CHAIRMAN: (15) The Chair is ready to rule on the point of order raised by the gentleman from Alabama.

As indicated on page 4 of the committee report, a fundamental purpose of H.R. 8152 is to authorize Federal funding of approved State plans for law enforcement and criminal justice improvement programs. The bill attempts to address "all aspects of the criminal justice and law enforcement system—not merely police, and not merely the purchase of police hardware' and requires State plans to develop "a total and integrated analysis of the problems regarding the law enforcement and criminal justice system within the State."

The amendment offered by the gentleman from New York would require that State plans submitted for LEAA approval contain, in addition to the 13 requirements spelled out in the committee bill as amended, provisions for a system of receipt, investigation, and determination of grievances submitted by State and local law enforcement officers. The second amendment would insert on page 52 a provision spelling out a "law enforcement officers' bill of rights" which must be enacted into law by any State seeking LEAA grants under that act in order to be eligible for such grants.

The committee bill seeks to establish a comprehensive approach to the financing of programs aimed at improving State and local law enforcement systems. Included in this comprehen-

^{15.} Dan Rostenkowski (Ill.).

sive approach is the subject of the welfare of law enforcement officers as it relates to their official duties, including their salaries, equipment, et cetera. The issue of a grievance system for law enforcement officers is within the general subject of the improvement of State and local law enforcement systems, and the amendments are, therefore, germane to the pending bill.

The Chair overrules the point of order.

Bill Authorizing Reorganization of Government Agencies—Amendment Relating To One Agency

§ 10.15 To a bill authorizing the President to submit to the Congress plans for the reorganization of agencies of the government, an amendment was held to be germane which provided in part that "in the first such plan submitted the President shall include an agency wherein shall be consolidated . . . all functions relating to relief and rehabilitation of foreign countries." and which the **President** quired transfer to such agency certain functions of specified agencies and offices.

In the 79th Congress, a bill⁽¹⁶⁾ was under consideration which provided in part: ⁽¹⁷⁾

- Sec. 4. Any reorganization plan, transmitted by the President under section 3— . . .
- (3) shall make provisions for the transfer or other disposition of the records, property (including office equipment), and personnel affected by such transfer, consolidation, or abolition . . .
- (5) shall make provisions for winding up the affairs of any agency abolished.

An amendment was offered (18) as described above. Mr. William M. Whittington, of Mississippi, made the point of order that the amendment was not germane to the bill and not germane to the section under consideration. In the course of the debate on the point of order, he stated:

This amendment was never presented to the committee. It is a most far-reaching amendment. . . .

Moreover . . . this amendment deals with . . . agencies established . . . under the First War Powers Act. The bill under consideration does not provide for the consideration of those agencies. We deal with the permanent executive agencies of the Government, rather than the war agencies of the Government.

^{16.} H.R. 4129 (Committee on Expenditures in the Executive Departments).

^{17.} See 91 Cong. Rec. 9419, 79th Cong. 1st Sess., Oct. 4, 1945.

^{18.} *Id.* at p. 9420 (Dirksen amendment).

Mr. Everett M. Dirksen, of Illinois, responding to the point of order, stated:

The first point is that the amendment deals with nothing except executive agencies. The second point is that on page 2 of the pending bill there is this language:

To create, coordinate, and consolidate agencies and functions of the Government as nearly as can be according to major purposes.

This is an effort to coordinate activities in consonance with a major purpose.

The Chairman⁽¹⁹⁾ in ruling on the point of order, stated: ⁽²⁰⁾

The Chair has examined the amendment in comparison with language contained in the pending bill and invites attention to the fact that under "Definition of Agencies", as provided in section 7 on page 9 of the pending bill, it is observed:

When used in this act the term "agency" means any executive department, commission, independent establishment, corporation wholly or partly owned by the United States which is an instrumentality of the United States, board, bureau, division, service, office, officer, authority, or administration, in the executive branch of the Government.

The Chair is of the opinion that the agencies enumerated in the amendment would come within the scope of the definition stated in the bill to which the Chair has invited attention.

The Chair feels that the amendment is germane, and therefore overrules the point of order.

Government Employees in Executive Branch—Amendment Relating to Specific Department

§ 10.16 To that title of a government reorganization bill authorizing inclusion in the civil service of officers and employees of the government, and exempting certain positions from the operation of the title's provisions, an amendment prescribing standards to be followed in making selections for positions in the Post Office Department was held to be germane.

In the 75th Congress, during consideration of a government reorganization bill,⁽¹⁾ the following amendment was offered:⁽²⁾

Amendment offered by Mr. [Claude A.] Fuller [of Arkansas]: Page 77, line 7, after the period at the end of the sentence, insert a new paragraph, as follows:

(a) Notwithstanding any provision of law to the contrary, hereafter all vacancies in the offices of postmasters of

^{19.} Jere Cooper (Tenn.).

^{20.} 91 CONG. REC. 9420, 9421, 79th Cong. 1st Sess., Oct. 4, 1945.

^{1.} S. 3331 (Select Committee on Government Operations).

^{2.} 83 CONG. REC. 5103, 75th Cong. 3d Sess., Apr. 8, 1938.

the first, second, and third classes shall be filled as hereinafter provided, by appointment by the President, by and with the advice and consent of the Senate, and such postmasters so appointed shall hold their offices for a term of 4 years. Whenever a vacancy occurs in the office of postmaster of the first, second, or third class . . . [the President] may appoint a classified civil-service employee serving in the post office in which the vacancy occurs and having qualified in a noncompetitive examination held by the Civil Service Commission, to fill the vacancy, or the President . . . may request the Civil Service Commission to hold an open competitive examination and the Civil Service Commission shall certify the results thereof to the President who shall appoint, by and with the advice and consent of the Senate, one of the three highest eligibles to fill the vacancy. . . .

A point of order was raised against the amendment, as follows:

MR. [ROBERT] RAMSPECK [of Georgia]: Mr. Chairman, I make the point of order that the amendment is not germane to the title to which it is offered or to the bill itself. The title refers to the civil-service classification. The amendment deals with appointments not made by the civil service but made on a patronage basis. . . .

The Chairman,⁽³⁾ in ruling on the point of order, stated: ⁽⁴⁾

This title deals generally with the personnel of the executive departments of the Government. . . .

The title now under consideration authorizes the covering into the civil service of officers and employees of the Government, as well as exempting from the operations of the provisions of the title certain other positions. The pending amendment pertains to the appointment of personnel in the Post Office Department and provides the standards to be followed in making selections for positions in that Department.

It is the opinion of the Chair that the amendment is germane to the title.

Bill Providing for Methods of Disposition of Surplus Government Property—Amendment Relating to Specific Kind of Property

§ 10.17 To that paragraph of a bill providing for methods of disposition of surplus government property, an amendment providing that certain property appropriated for educational use be disposed of under regulations prescribed by the Commissioner of Education was held germane.

In the 78th Congress, a bill (5) was under consideration which related to disposal of surplus government property and which stated in part: (6)

^{3.} John W. McCormack (Mass.).

^{4.} 83 CONG. REC. 5104, 75th Cong. 3d Sess., Apr. 8, 1938.

^{5.} H.R. 5125 (Committee on Expenditures in the Executive Departments).

^{6.} See 90 CONG. REC. 7123, 78th Cong. 2d Sess., Aug. 18, 1944.

METHODS OF DISPOSITION

Sec. 10. (a) Wherever any Government agency is authorized to dispose of property under this act, then, notwithstanding the provisions of any other law but subject to the provisions of this act, the agency may dispose of such property by sale, exchange [and the like].

The following amendment was offered:

Amendment offered by Mr. [Malcolm C.] Tarver [of New York]: On page 32, after line 6, insert the following:

Surplus property that is appropriate for educational use . . . may be transferred to the United States Office of Education for allocation . . . to the public schools and educational institutions. . . .

Mr. John Taber, of New York, raised the point of order that the amendment was not germane to that part of the bill. The Chairman (7) overruled the point of order.

Bill Making Appropriations for Public Works—Amendment To Make Appropriation for Post Office Buildings

§ 10.18 To a bill making appropriations for work relief and public works, including provisions relating to highways, roads, public buildings, and other facilities, an amend-

ment proposing an appropriation for obtaining sites and erecting public buildings for post offices was held germane.

In the 76th Congress, during consideration of the Work Relief and Public Works Appropriations of 1939,⁽⁸⁾ an amendment was offered ⁽⁹⁾ as described above. A point of order was raised against the amendment, as follows:

MR. [CLIFTON A.] WOODRUM of Virginia: [The amendment] provides for a project that calls for the purchase of land, which does not furnish employment of people. It is not within the purpose of the concepts of the bill; it is not germane to the general principles of the bill.

The Chairman,⁽¹⁰⁾ in ruling on the point of order, stated:

The Chair is of the opinion that the present bill covers a very broad field. For example, paragraph (b) of section 1 relates to highways . . . public buildings, parks, and other recreational facilities, including buildings thereon, public utilities, electric transmission and distribution lines or systems to serve persons in rural areas, and so forth, and in another section of the bill it provides for the allocation of funds for public-works purposes. The amendment . . . provides for further alloca-

^{7.} Robert E. Thomason (Tex.).

^{8.} H.J. Res. 326 (Committee on Appropriations).

^{9.} 84 CONG. REC. 7304, 76th Cong. 1st Sess., June 16, 1939.

^{10.} John W. McCormack (Mass.).

tions, the administration to be carried on through the agency provided for in the pending bill. The Chair is of the opinion that the amendment is germane. . . .

Provisions Describing Requirements for Receiving Social Security Benefits—Amendment Adding Requirement

§ 10.19 To that title of a bill containing miscellaneous provisions and describing several requirements for receiving benefits under the Social Security Act, an amendment adding another requirement was held germane.

In the 76th Congress, during consideration of a bill (11) to amend the Social Security Act, the following amendment was offered: (12)

Amendment offered by Mr. [Karl E.] Mundt [of South Dakota]: Page 104, line 3, insert a new section, as follows:

Sec. 904. Beginning with January 1, 1941, no provisions of the Social Security Act shall be operative or effective for foreign-born aliens who have not taken out their full American citizenship papers by that date. . . .

Mr. Jere Cooper, of Tennessee, raised the point of order that the

amendment was not germane to the bill. The Chairman (13) overruled the point of order.

Bill Authorizing Construction of Channel as Part of Intracoastal Waterway—Amendment To Authorize Additional Channel

§ 10.20 To a bill authorizing construction of a pipe line and navigable barge channel across Florida as part of the Intracoastal Waterway, an amendment proposing to construct another channel as part of the same Intracoastal Waterway was held to be germane.

In the 77th Congress, a bill (14) was under consideration authorizing construction of a pipe line and navigable barge channel across Florida. An amendment was offered (15) as described above.

Mr. John E. Rankin, of Mississippi, raised the point of order that the amendment was not germane. (16)

The Chairman, (17) in ruling on the point of order, stated:

^{11.} H.R. 6635 (Committee on Ways and Means).

^{12.} 84 CONG. REC. 6969, 76th Cong. 1st Sess., June 10, 1939.

^{13.} Lindsay C. Warren (N.C.).

^{14.} H.R. 6999 (Committee on Rivers and Harbors).

^{15.} 88 Cong. Rec. 5305, 77th Cong. 2d Sess., June 17, 1942.

^{16.} *Id.* at p. 5306.

^{17.} John M. Costello (Calif.).

[T]he amendment provides an additional location for an additional canal. It is, however, part of the same waterway, as the gentleman from Florida has so well pointed out, part of the Intracoastal Waterway. The amendment simply provides for a second connecting link in the waterways. The Chair is therefore constrained . . . to overrule the point of order.

Bill To Strengthen Relations
With Greece and Turkey in
Diverse Ways—Amendment
Adding Negotiations Relating
to Opium Trade

§ 10.21 A section of a bill destrengthen signed **United States-North Atlantic Treaty Organization relation**ships with **Turkey** Greece in diverse ways by promoting a peaceful solution to the Cyprus dispute, by easing the embargo on arms shipments to Turkey, by requesting negotiations with Greece to determine its economic and military needs, and by providing refugee assistance to Cyprus, was held sufficiently broad in scope to admit as germane an amendment requesting negotiations with Turkey to prevent diversion of opium poppy into illicit channels.

During consideration of S. 2230 (18) in the Committee of the Whole on Oct. 2, 1975,(19) the Chair overruled a point of order against the following amendment:

Amendment offered by Mr. Rangel: Page 4, line 9, strike out "(2)" and all that follows thereafter up to and including line 15 on page 4, and insert in lieu thereof the following:

"(C) the President is requested to initiate discussions with the Government of Turkey concerning effective means of preventing the diversion of opium poppy into illicit channels.

"(2) The President is directed to submit to the Speaker of the House of Representatives and to the Foreign Relations and Appropriations Committees of the Senate within sixty days after the enactment of this Act a report on discussions conducted under subsections (b)(1)(B) and (C), together with his recommendations for economic and military assistance to Greece for the fiscal year 1976."

MR. [CLEMENT J.] ZABLOCKI [of Wisconsin]: Mr. Chairman, I make a point of order against the amendment. . . .

Mr. Chairman, the gentleman from New York has presented an amendment similar to one that was defeated earlier today. . . .

[The] amendment, Mr. Chairman, I submit is not in order because, as I

^{18.} A bill authorizing appropriations for the Board for International Broadcasting for fiscal 1976, and to promote improved relations between the United States, Greece and Turkey.

^{19.} 121 CONG. REC. 31492, 94th Cong. 1st Sess.

said in the argument on the point of order raised earlier, it violates rule XVI. clause 7 of the Rules of the House of Representatives. In the precedents cited under rule XVI, clause 7 there is contained a perfect example to sustain this point of order. On December 11, 1973, the Chair ruled that an amendment to the bill authorizing military assistance to Israel and funds for the U.N. emergency force in the Middle East, which expressed the sense of Congress that the President conduct negotiations to obtain a peace treaty in the Middle East and the resumption of diplomatic and trade relations between the Arab nations and the United States, was out of order.

This amendment attempts to address issues which are equally dissimilar. The title of the bill clearly states that the endeavor is to promote improved relations between the United States, Greece, and Turkey, to assist in the solution of the refugee problem on Cyprus, and to otherwise strengthen the North Atlantic Alliance. . . .

MR. [CHARLES B.] RANGEL [of New York]: Mr. Chairman, the previous point of order was ruled in favor of the gentleman (20) but that related to an amendment to an amendment.

Here we have an amendment to the bill which clearly in section 2 indicates that this bill is to improve and harmonize the relations among the allies of the United States and between the United States and its allies in the interest of mutual defense and national security. . . .

[The] amendment indicates that the Congress is directing the President of the United States to initiate discussions with the Government of Greece for the purpose of determining their military and economic needs.

It appears to me that there is no more serious question that is affecting our urban communities than drugs. This amendment merely directs the President to initiate discussions with the Government of Turkey for the purpose of or concerning the effective means of preventing the diversion of opium poppies into this country.

It is the same language. We are asking the President of the United States to initiate discussions with the Government of Greece in order to determine their needs. So I believe this is germane to the bill. I have discussed it with other members of the committee and I believe they share with me in my understanding of the germane question.

THE CHAIRMAN: (1) The Chair is ready to rule. The question is whether or not the amendment offered by the gentleman from New York (Mr. Rangel) is germane to the text of the bill.

The Chair observes on page 4 of the bill, subsection (2), the following language:

- (B) the President is requested to initiate discussions with the Government of Greece to determine the most urgent needs of Greece for economic and military assistance.
- (2) The President is directed to submit to the Speaker of the House of Representatives and to the Foreign Relations and Appropriations Committees of the Senate within sixty days after the enactment of this Act a report on discussions conducted under subsection (b)(1)(B), together with his recommendations for

^{1.} William H. Natcher (Ky.).

economics and military assistance to Greece for the fiscal year 1976.

The language of the gentleman's amendment is similar to paragraph (B).

Now, as to the germaneness of the amendment to the text of section 2 of the bill the principal purposes of that section are stated in paragraphs 1 through 6 on page 5 of the committee report, and they are fairly diverse in scope to the extent that they all have as their primary purpose continuation of our NATO relationship with Turkey and Greece. Viewed in that context, and in the context of section 2, the Chair feels that the amendment of the gentleman from New York adds a further requirement of negotiations to that already contained in section 2, which does not go beyond the purposes outlined in the bill.

Therefore, the Chair overrules the point of order and holds that the amendment is germane to section 2.

§ 11. Amendment Adding to Two or More Propositions of Same Class

A proposition concerning a number of subjects may be amended by the addition of another subject of the same class. An early example of this principle can be found in Cannon's Precedents (2) where to a bill admitting several Territories into the Union, an amendment adding another Territory was held germane. Similarly,

where a bill covers two or more subjects, a third subject of a related nature is in order as an amendment thereto.⁽³⁾ As an example, where a bill defines several unlawful acts, an amendment proposing to include another unlawful act of the same class is germane.⁽⁴⁾ Similarly, to a bill bringing two new categories within the coverage of existing law, an amendment to include a third category, of the same class, was held to be germane.⁽⁵⁾

Title Containing Diverse "Miscellaneous" Provisions—
Amendment Imposing Flat
Percentage Limitation on
Funds Authorized in Bill

§ 11.1 While the heading of a title of a bill as "miscellaneous" does not necessarily permit amendments to that title which are not germane thereto, the inclusion of sufficiently diverse provisions in such title may permit further amendment which in effect need only be germane to the bill as a whole; accordingly, where the final title of a foreign aid bill as perfected

^{2.} See 5 Cannon's Precedents § 5838.

^{3.} See § 11.24, infra.

^{4.} See § 11.21, infra.

^{5.} See § 11.16, infra.